

THIS DISPOSITION IS
NOT CITABLE AS
PRECEDENT OF THE TTAB

Mailed: 31 May 2002
Paper No. 17
AD

UNITED STATES PATENT AND TRADEMARK OFFICE

Trademark Trial and Appeal Board

In re CurtCo Freedom Group, L.L.C.¹

Serial No. 75/625,493

Tirzah AbJ Lowe of Knobbe, Martens, Olson & Bear, LLP for
CurtCo Freedom Group, L.L.C.

Gwen P. Stokols, Trademark Examining Attorney, Law Office
107 (Thomas Lamone, Managing Attorney).

Before Chapman, Bottorff and Drost, Administrative
Trademark Judges.

Opinion by Drost, Administrative Trademark Judge:

CurtCo Freedom Group, L.L.C. (applicant) filed a
trademark application to register the mark CRM (typed
drawing) on the Principal Register for goods ultimately
identified as "magazines in the field of business" in
International Class 16.²

¹ While applicant has indicated by the caption of its reply brief that the applicant is now "Freedom Technology Media Group, Inc.," USPTO assignment records do not reflect that change yet.

² Serial No. 75/625,493, filed January 22, 1999. The application contains an allegation of a bona fide intention to use the mark in commerce.

The examining attorney refused to register the mark on the ground that the mark, when applied to the goods, is merely descriptive. 15 U.S.C. § 1052(e)(1).

After the examining attorney made the refusal final, applicant filed a notice of appeal. Both applicant and the examining attorney have filed briefs. An oral hearing was requested, but subsequently applicant withdrew the request for an oral hearing.

We affirm.

The examining attorney³ maintains that the letters "CRM" are an acronym for the term "customer relationship management." The examining attorney's evidence indicates that "CRM" is used in business to refer to "customer relationship management." See, e.g., Office Action dated August 31, 1999, Internet printouts ("Customer Relationship Management (CRM) for Banking and Web based relationship;" "Our Customer Relationship Management (CRM) solutions give you all the tools you need to differentiate customer service and increase customer profitability;" and "BayStone Software/Remedy Corporation - Customer Relationship Management (CRM)"). In addition, the examining attorney noted that applicant admitted that "CRM" is an acronym for

³ The current examining attorney was not the original examining attorney in this case.

"customer relationship management," that "customer relationship management is known in the industry," and "that portions of Applicant's magazine will discuss customer relationship management." Response dated February 29, 2000, p. 2. Finally, the examining attorney attached articles from applicant's website that discuss CRM and the CRM industry. See Attachments with Response to Request for Reconsideration ("During the year 2000, profits and potential soar as the CRM industry races to define itself and its future").

Applicant's arguments in response to the descriptiveness refusal include: (1) there is no set definition of the phrase "customer relationship management," (2) there are 47 acronyms for CRM, and (3) "customer relationship management" could have multiple meanings. Therefore, applicant maintains that its "mark alone does not immediately provide the consumer with knowledge of the content of the Applicant's magazines." Applicant's Br. at 7.

A mark is merely descriptive if it immediately describes the ingredients, qualities, or characteristics of the goods or services or if it conveys information regarding a function, purpose, or use of the goods or services. In re Abcor Development Corp., 588 F.2d 811, 200

USPQ 215, 217 (CCPA 1978). A term may be held descriptive even if it only describes one of the qualities or properties of the goods or services. In re Gyulay, 820 F.2d 1216, 3 USPQ2d 1009, 1009 (Fed. Cir. 1987). We look at the mark in relation to the goods or services, and not in the abstract, when we consider whether the mark is descriptive. Abcor, 200 USPQ at 218.

It is well settled that the title of a magazine is descriptive if it describes the contents of the magazine. See, e.g., Entrepreneur Media Inc. v. Smith, 279 F.3d 1135, 61 USPQ2d 1705, 1709 (9th Cir. 2002) ([I]t is apparent that the mark "ENTREPRENEUR" as applied to EMI's magazine and to computer programs and manuals falls within the descriptive category. The word "entrepreneur" describes both the subject matter and the intended audience of the magazine"); In re Gracious Lady Services, Inc., 175 USPQ 380 (TTAB 1972) ("CREDIT CARD MARKETING" merely descriptive of periodic pamphlet devoted to subjects of interest to those engaged in credit card merchandising field); In re Nippon Kokan Kabushiki Kaisha, 171 USPQ 63 (TTAB 1971) ("JAPAN STEEL NOTES" merely descriptive of magazine pertaining to the Japanese steel industry); In re Medical Digest, Inc., 148 USPQ 148 (TTAB 1965) ("OB/GYN DIGEST" is merely

descriptive of magazines in the field of obstetrics and gynecology).

Furthermore, "an abbreviation which still conveys to the buyer the descriptive significance of the original term will still be held to be descriptive." 2 J. Thomas McCarthy, *McCarthy's on Trademarks and Unfair Competition*, § 11:32 (4th ed. 2001). Previously, the Board found that the term "ALR" in all capital letters was merely descriptive for insulated electrical conductor building wire. Southwire Co. v. Kaiser Aluminum & Chemical Corp., 196 USPQ 566 (TTAB 1977). The record in that case established that the abbreviation "ALR" was a descriptive abbreviation of the term "aluminum revised." Id. at 574. The Board indicated that:

It is a reasonable inference from the foregoing that the entire electric industry ... because of the adherence of most electrical codes to the National Electrical Code for which UL establishes standards, are of necessity aware of the "CO/ALR" designation for wiring devices and significance of "ALR" as meaning "aluminum revised" to distinguish from the designation "AL" previously used to identify aluminum wire that has not been upgraded or revised.

Id. at 574.

In the case now before the Board, the record supports the examining attorney's conclusion that the applicant's mark "CRM" is merely descriptive of a magazine in the field of business. "Customer relationship management" is a term

in the industry that refers to managing "the whole customer experience with a company or website." See Request for Reconsideration, Ex. A. It involves using technology and other strategies to serve customers better and lower costs or increase profitability. See Request for Reconsideration, Ex. B and C.

In addition, as applicant has acknowledged, "CRM" is an acronym for "customer relationship management." The record shows that "CRM" itself is used in the industry to refer to "customer relationship management" including on applicant's website, and applicant acknowledges that portions of its magazine will discuss customer relationship management. Thus, we agree with the examining attorney that the term "CRM" for a magazine that is devoted at least in part to "customer relationship management" is merely descriptive of the goods.

Applicant's arguments to the contrary are not persuasive. Applicant points out that there are 47 acronyms for "CRM" including "customer relationship management." "Thus, a consumer would not be able to immediately deduce the subject matter of Applicant's magazine from the mark." Applicant's Br. at 3. As discussed earlier, descriptiveness is determined from looking at the mark in relation to the goods, in this case

magazines in the field of business. In re American Greetings Corporation, 226 USPQ 365, 366 (TTAB 1985)

("Whether consumers could guess what the product is from consideration of the mark alone is not the test").

Regarding the 47 acronyms, 17 acronyms are for "CRM" with another letter or letters. Of the remaining acronyms, most are either unlikely to be the subject matter of a magazine or the subject matter of magazines not related to business.

See, e.g., Camera Ready Material, Camera Ready Mechanical, Chemical Release Module, Cockpit Resource Management, Conseil de Recherches Médicales du Canada, Combat Readiness Medal, Collateral Release Mechanism, etc. While some of the remaining acronyms may relate to business, they would not detract from the descriptiveness of "CRM" for a business-related magazine with portions of the magazine devoted to customer relationship management. The simple fact that a term may have more than one meaning in a field as broadly defined as "business," does not mean that the term is not merely descriptive of a magazine containing articles on that subject. Potential customers seeing the acronym "CRM" on a magazine devoted, at least in part, to "customer relationship management" would immediately understand that the term "CRM" described the subject matter of the magazine.

Applicant cites Rand McNally & Co. v. Christmas Club, 242 F.2d 776, 113 USPQ 776 (CCPA 1957) and argues that merely because a magazine has a portion of its content devoted to the subject matter of the mark, it does not mean that the mark is merely descriptive of the magazine. In that case, the overwhelming majority of the content of the magazine was devoted to non-Christmas Club related subject matter and it was not clear whether "Christmas Club" was a significant feature of the magazine. See Rand McNally & Co. v. Christmas Club, 105 USPQ 499, 500 (Comm'r Pat. 1955) ("The magazine contains chiefly information and writings of general interest, but some references to and advertisements of respondent's Christmas savings system appear from time to time"). A general interest magazine with occasional references and advertisements for Christmas savings products is different from a business-related magazine with portions of the magazine devoted to "customer relationship management." Here, applicant's unqualified admission that "portions of Applicant's magazine will discuss customer relationship management," the business-related nature of the magazine, and the significance of "customer relationship management" (CRM) in the industry, distinguishes this case from the Christmas Club case. The acronym "CRM" would clearly describe at least one quality

or property of the goods. Gyulay, 3 USPQ2d at 1009. In addition, that quality or property, that the magazine's subject matter includes customer relationship management, would be a "significant feature" of the magazines. In re American Magen David for Israel, 222 USPQ 266, 267 (TTAB 1984).

Applicant also argues that the term "CRM" is vague and that the term must be generally recognized as an abbreviation in order to support a determination that it is merely descriptive citing Modern Optics, Inc. v. Univis Lens Co., 2234 F.2d 504, 110 USPQ 293 (CCPA 1956). Here, the record demonstrates that while perhaps there is some dispute as to the exact definition of "customer relationship management," the term clearly is a recognized acronym in the relevant industry. Even applicant admits that this term is known in the industry. Furthermore, the evidence also supports a finding that the acronym "CRM" is generally understood to stand for the descriptive words. See First Office Action, Internet printouts ("Our Customer Relationship Management (CRM) solutions give you the tools you need to differentiate customer service and increase customer profitability;" "Customer Relationship Management (CRM) for Banking & Web Based relationship;" and "Baystone Software/Remedy Corporation - Customer Relationship

Management (CRM)"). Applicant's exhibits also indicate that the term "CRM" is used interchangeably with the descriptive term "customer relationship management." See Request for Reconsideration, Ex. A ("CRM: Customer Relationship Management. This refers to the whole customer experience with a company or a Web site, not just customer satisfaction after a sale"); Ex. B ("The key element of CRM is to make sure we collect customer data to truly understand the needs of our customers"); and Ex. C ("What does customer relationship management (CRM) mean to you and your customer contact center. One of the hottest buzzwords around, CRM is still widely misunderstood within the customer contact industry"). Also, applicant's website refers to:

First and foremost, e-business, with its reliance upon CRM tools and techniques, came into its own.

But guess what, fellow CRMers? The branding irons are blazing hot and stamping everything in sight (you'd better watch your backside next time you walk through a CRM trade show expo). And it's truly a marvel that no one has tried to claim rights to the very term, "CRM" - although I know a few organizations out there that wouldn't be embarrassed to try.

No one in this business knows enough about good old CRM to call it other than "CRM."

Thus, the evidence shows that the acronym "CRM" is not vague and it would be recognized by prospective customers

as a term that is as descriptive as the words "customer relationship management" themselves.

Therefore, "customer relationship management" is a term used in industry. It is known by the acronym "CRM." Applicant's business magazines will be devoted, at least in part, to this subject. Under the facts as discussed above, the term "CRM" is merely descriptive of applicant's identified goods.

Decision: The examining attorney's refusal to register the mark CRM on the ground that it is merely descriptive of applicant's magazines in the field of business is affirmed.